

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



January 22, 2014

Glenn Schainblatt
Building Official
City of Cotati
201 West Sierra Avenue
Cotati, CA 94931

RE: Ordinance #843, #844, #845

Dear Mr. Schainblatt:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 6, 2013.

Our review finds the submittal to contain three ordinances modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modifications are accepted for filing and are enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in blue ink, reading "Enrique M. Rodriguez", is positioned above the printed name.

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

City of Cotati
Sonoma County, California



December 4, 2013

California Building Standards Commission
2525 Natomas Park Dr., Suite 120
Sacramento, California 95833

RE: City of Cotati Code adoption Ordinance

Mr. Jim McGowan:

The City of Cotati has adopted the current editions of the California Building, Fire, Residential, Plumbing, Mechanical, Electrical, Energy and Green Building Standards Codes.

The City of Cotati has recommended changes and modifications to the Codes and have advised that certain said changes and modifications to the 2013 Editions of the California Building, Fire, Residential, Plumbing, Mechanical, Electrical, Energy and Green Building Standards Codes are reasonably necessary due to local conditions in the City of Cotati and have further advised that the remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by then Code or are reasonably necessary to safeguard life and property within the City of Cotati.

The enclosed City Ordinances are for your files.

If additional information is desired please telephone this office at (707) 665-3637.

Respectfully,


Glenn Schainblatt
Building Official

ORDINANCE NO. 843

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI AMENDING CHAPTER 14.04 OF THE COTATI MUNICIPAL CODE AND, ADOPTING BY REFERENCE, THE FOLLOWING CODES: 2013 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 1 - 2013 CALIFORNIA ADMINISTRATIVE CODE; PART 2 - 2013 CALIFORNIA BUILDING CODE BASED ON THE 2012 INTERNATIONAL BUILDING CODE; 2013 CALIFORNIA RESIDENTIAL CODE BASED ON THE 2012 INTERNATIONAL RESIDENTIAL CODE; 2013 CALIFORNIA ELECTRICAL CODE BASED ON THE 2011 NATIONAL ELECTRICAL CODE; PART 4 - 2013 CALIFORNIA MECHANICAL CODE BASED ON THE 2012 UNIFORM MECHANICAL CODE; PART 5 - 2013 CALIFORNIA PLUMBING CODE BASED ON THE 2012 UNIFORM PLUMBING CODE; PART 6 - 2013 CALIFORNIA ENERGY CODE; PART 8 - 2013 CALIFORNIA HISTORICAL BUILDING CODE; PART 9 - 2013 CALIFORNIA FIRE CODE, BASED ON THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE; PART 10 - 2013 CALIFORNIA EXISTING BUILDING CODE BASED ON THE 2012 INTERNATIONAL EXISTING BUILDING CODE; PART 11 CALIFORNIA GREEN BUILDING STANDARDS CODE; PART 12 - 2013 CALIFORNIA REFERENCED STANDARDS CODE, APPENDIX CHAPTER J (GRADING) AMENDED BY DELETING J103.2 EXCEPTIONS 1 H (SIGNS) AND I (PATIO COVERS) OF THE CALIFORNIA BUILDING CODE; APPENDIX CHAPTER A (CODE STANDARD 6-2) OF THE CALIFORNIA MECHANICAL CODE; AND OF THE CALIFORNIA PLUMBING CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL

WHEREAS, the State of California updates building and fire code regulations on a triennial schedule; and

WHEREAS, the State of California adopted new International Codes with state amendments on July 1, 2013; and

WHEREAS, local agencies have until January 1, 2014 to adopt the new state codes with any local amendments; and

WHEREAS, the City Council finds that in order to best protect the health, safety and welfare of the citizens of the City of Cotati, the standards of building within the City must conform with state law except where local conditions warrant more restrictive regulations; and

WHEREAS, adoption of the state codes with certain local amendments are necessary in order to better address local conditions; and

WHEREAS, the City Council held a duly noticed public hearing on November 12, 2013 to consider public testimony regarding the adoption of amendments to Chapters 14.04 and 14.34, and the addition of Chapter 14.07 to the Municipal Code and found that the modifications would be consistent with the intent of the City of Cotati General Plan; and

WHEREAS, this ordinance amendment is hereby found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b) (3) in that the Council finds

and determines that there is nothing in these amendments themselves that could foreseeably have any significant effect on the environment; and

WHEREAS, the City Council has reviewed all evidence submitted in connection with the staff report, including public testimony and all other documents and evidence that are part of the City administrative record for the 2013 adoption of the Uniform and International Codes together with amendments thereto.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COTATI DOES ORDAIN AS FOLLOWS:

Section 1: Chapter 14.04, "Uniform Codes", of the City of Cotati Municipal Code is amended in its entirety to read as follows:

14.04.010 Adoption of codes by reference

The Uniform Codes and the International Codes together with any amendments thereof, as hereinafter set forth in the Ordinance, are adopted and made part of this Ordinance, together with amendments and additions to the various codes; providing penalties for the violation thereof and repealing all ordinances in conflict therewith.

14.04.20 Copies on file

One certified copy of each of the Codes so adopted, along with any amendment thereto, shall be kept on file for the use and examination by the public at the City of Cotati Community Development Department.

14.04.025 Findings

The City Council of the City of Cotati finds that in order to best protect the health, safety and welfare of its citizens, the standards of building within the City must conform to state law except where local conditions warrant more restrictive regulations. Therefore, the City Council desires to adopt the current state building and fire codes, contained in California Building Standards Code Title 24, and other uniform codes governing the construction and regulation of buildings and structures with the modifications and amendments contained herein.

Pursuant to California Health and Safety Code section 17958.7, the City Council makes the factual findings hereto and incorporated herein by reference, and finds that the amendments made in this ordinance to the California Building Standards Code Title 24, are reasonably necessary because of the local climatic, geological or topographical conditions described in the following:

The City wishes to adopt by reference the following codes, with such amendments as may be necessary to conform to local climatic, geologic, and topographical conditions:

California Code of Regulations Title-24

- 14.04.030 Part 1 – 2013 California Administrative Code;
- 14.04.040 Part 2 – 2013 California Building Code, Volume 1 and 2, including Appendix Chapters, J (Grading) amended to delete J103.2 Exception #1, Chapters H and I;
- 14.04.050 Part 2.5 – 2013 California Residential Code;
- 14.04.060 Part 3 – 2013 California Electrical Code;
- 14.04.070 Part 4 – 2013 California Mechanical Code including Chapters A, B, C, and D;
- 14.04.080 Part 5 – 2013 California Plumbing Code including Appendix Chapters A, B, D, I, and K;
- 14.04.090 Part 6 – 2013 California Energy Code;
- 14.04.100 Part 8 – 2013 California Historical Building Code
- 14.04.110 Part 9 – 2013 California Fire Code including Appendix Chapters, B,C, and D;
- 14.04.120 Part 10 – 2013 California Existing Building Code;
- 14.04.130 Part 11 – 2013 California Green Building Standards Code;
- 14.04.140 Part 12 – 2013 California References Standard Code;
- 14.04.150 2012 Edition International Existing Building Code;

Under the provisions of Section 17958.5 of the Health and Safety Code, local amendments must be based on climatic, geologic and topographical conditions. The following findings address each of these situations and present the local conditions which, either singularly or in combination, justify the amendments to be adopted:

- A. CLIMATE: The City, on average, experiences an approximate annual rainfall of 40 inches. This rainfall can normally be expected between October and April. During the winter months, the City may experience periods of heavy rain, which causes local flooding. Winter storms are often accompanied by high winds, which have uprooted trees and damaged power lines. The City has also experienced periods of heavy fog, which has delayed the responding fire apparatus and prevented early discovery of structure fires. During the dry period, temperatures range from 70 degrees to over 100 degrees. These temperatures are often accompanied by light to gusty winds, which when coupled with highly flammable vegetation, can cause uncontrollable fires. Wind driven fires could have severe consequences, as has been demonstrated on several occasions throughout the state.

- B. GEOLOGIC: The City is susceptible to seismic hazards resulting from movement along any one of several known faults in the area. The most serious direct earthquake hazard threat is from the damage or collapse of buildings and other structures due to ground movement. In addition to damage caused by earthquakes, there is the possibility of earthquake-induced fires due to damaged gas lines, power lines or heat producing appliances, and the unavailability of water for fire control due to broken water mains. In the event of a major earthquake many areas of the City may not be accessible to emergency equipment and, if bridges or roads are damaged, the City may be isolated from outside assistance.
- C. TOPOGRAPHICAL: The City is divided by Highway 101 which creates a barrier and can obstruct traffic patterns and increase response time for fire equipment. The City's water supply and sewer system were both designed to work with existing topography but can be adversely affected by loss of normal operation. Sewer lift stations and well equipment can both be compromised by interruption in electrical service.
- D. SUMMARY: The above local climatic, geologic and topographical conditions increase the magnitude, exposure, accessibility problems and fire hazards presented to the City of Cotati. A fire following an earthquake has the potential to cause greater loss of life and damage than the earthquake itself. The majority of the City's industrial areas are located in the highest seismic risk zones, which also contain the largest concentration of hazardous materials. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number of persons, should a significant seismic event occur. The City of Cotati's resources would have to be prioritized to mitigate the greatest threat, and may be unavailable for vegetation or structure fires.

Other variables that may tend to intensify the situation include:

1. The extent of damage to the water system;
 2. The extent of isolation due to bridge and/or freeway overpass collapse;
 3. The extent of roadway damage and/or amount of debris blocking roadways;
 4. Climatic conditions (hot, dry weather with high winds);
 5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours; and,
 6. The availability of timely mutual aid or assistance from the neighboring departments which will likely have similar emergencies at the same time.
 7. A large number of dwelling units with wood shingle roof coverings, which increase the likelihood of conflagrations.
- E. CONCLUSION: Local climatic, geologic and topographical conditions impact fire suppression efforts and the frequency, spread, intensity, and the size of fire involving structures in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. Therefore, it is found to be necessary that the

California Building Standard Code Title 24 be amended to mitigate the effects of these conditions.

14.04.030 California Administrative Code

2013 Edition of the California Administrative Code also known as the California Building Standards Administration Code as published by the Building Standard Commission is adopted by reference.

14.04.040 California Building Code

The Council hereby adopts by reference the **California Code of Regulations Title-24 Part 2 Volume 1 and 2** and the current edition of the International Building Code, the 2012 Edition Volumes 1, and 2 and the Appendices thereof as published by the International Code Council, including the generic fire-resistive assemblies listed Fire Resistive Design Manual GA-600, published by the Gypsum Association, as referenced in table numbers 720.1, 720.2 and 720.3 of the specified International Building Code including Appendix Chapters J, H and I, with the following amendments:

- 1. Chapter 1 Section 105.2, exception 1 shall be amended to read as follows:** One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet, (11.15m²). The height of the one story detached accessory building shall not exceed 12 feet at any point or as specified by local zoning ordinance.
- 2. Chapter 1 Section 105.2, exception 6 shall be amended to read as follows:** Platforms, decks, sidewalks, and driveways not more than 30 inches (762mm) above adjacent grade, not over any basement or story below and are not part of an accessible route.
- 3. Chapter 1 Section 109.4 shall be amended to read as follows:** Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five times the permit fee required by this code. The minimum investigation fee shall be set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.
- 4. Chapter 1 Section 109.7 shall be amended to read as follows:** Re-inspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, or the approved plans are not readily available to the inspector. For failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with Table 1 or as set forth in the fee schedule adopted by the jurisdiction.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

5. Chapter 1 Section 109.8 shall be amended to read as follows: Violation penalties. Any persons who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five time the permit fee required by this code. The minimum investigation fee shall be set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Chapter 5 General Height and Areas is amended as follows:

Section 501.2 shall read as follows: Approved address numbers shall be provided for all new building in such a position as to be plainly visible and legible from the street fronting the property or as approved by the Building Official or Fire Chief. Approved address shall be lighted, either internally or externally to ensure plain visibility. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabetical letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

Chapter 35 Reference Standards Add International Property Maintenance Code

14.04.050 California Residential Code

Adoption of California Code Of Regulations Title 24, Part 2.5: 2013 California Residential Building Code. 2012 Edition as published by the International Conference of Building Officials, with the following amendments:

Section 105.2 Part II is adopted with the following amendments

1. Chapter 1 Section 105.2, exception 1. Shall be revised to read as follows: One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet, (11.15m²). The height of the one story detached accessory building shall not exceed 12 feet at any point or as specified by local zoning ordinance.

2. Chapter 1 Section 105.2, exception 6. Platforms, decks, sidewalks, and driveways not more than 30 inches (762mm) above adjacent grade, not over any basement or story below and are not part of an accessible route.

3. Chapter 1 Section 108.6 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five times the permit fee required by this code. The minimum investigation fee set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Add New Section

4. Chapter 1 Section 108.7 Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector. For failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

To obtain a re-inspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the re-inspection fee in accordance with Table 1 or as set forth in the fee schedule adopted by the jurisdiction.

In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

Add New Section

5. Chapter 1 Section 108.8 Violation penalties. Any persons who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five time the permit fee required by this code. The minimum investigation fee set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

R313.2 has been amended to read

Where Required. An automatic sprinkler system shall be installed and maintained in all newly constructed buildings throughout.

Exceptions:

- i. Detached Group U occupancies 1,000 sq. ft. or less. Agricultural exempt buildings and agricultural buildings as approved by the Fire Code Official.
- ii. Detached pool houses up to 1,000 sq. ft. in floor area within 50 feet of the pool and limited to a single bathroom.
- iii. A room above a detached garage used for storage only that does not contain a bathroom, cooking or refrigeration facilities or connections for such facilities.
- iv. Car ports of non-combustible construction.

Add new section

R313.1 has been amended to read

Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed and maintained in townhouses.

1. Additions to existing townhouse that increase the square footage by 50% or greater shall meet the requirements for a newly constructed building. All additions to a townhouse with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.
 - a. For remodels, alterations or repairs to an existing building involving demolition, removal or repair of more than 50% of the structure (to include walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations or similar components), the building shall meet the requirements for a newly constructed building.
2. The percentage of work shall be determined and added to any successive remodels that may occur within a subsequent three (3) year period. If the combined percentage totals 50% or more,

this work shall constitute a substantial improvement and the building shall be subject to the fire sprinkler requirement.

3. Any combination thereof to the structure where the improvements equals or exceeds fifty percent (50%) of the structure, the entire building shall meet the requirements for a newly constructed building.

R313.2 has been amended to read:

R313.2 One-and-two-family dwellings automatic fire systems. An automatic sprinkler system shall be installed and maintained in all one-and-two family dwellings throughout.

Exceptions:

- i. Detached Group U occupancies 1,000 sq. ft. or less. Agricultural exempt buildings and agricultural buildings as approved by the Fire Code Official.
- ii. Detached pool houses up to 1,000 sq. ft. in floor area within 50 feet of the pool and limited to a single bathroom.
- iii. A room above a detached garage used for storage only that does not contain a bathroom, cooking or refrigeration facilities or connections for such facilities.
- iv. Carports of non-combustible construction.

R313.2.2 Additions, Alterations, Remodels, or Repairs.

1. Additions to existing residential buildings that increase the square footage by 50% or greater shall meet the requirements for a newly constructed building. All additions to one-and-two family dwellings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.

a. For remodels, alterations or repairs to an existing building involving demolition, removal or repair of more than 50% of the structure (to include walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations or similar components), the building shall meet the requirements for a newly constructed building.

2. The percentage of work shall be determined and added to any successive remodels that may occur within a subsequent three (3) year period. If the combined percentage totals 50% or more, this work shall constitute a substantial improvement and the building shall be subject to the fire sprinkler requirement.

14.04.060 California Electric Code

The 2013 Edition of the California Electric Code and appendices as published by the National Fire Protection Association, incorporating by adoption of the 2011 Edition of the National Electric Code is adopted by reference with California Amendments adopted by reference and is amended as follows:

Delete All Fee Schedules. Fee schedules shall be adopted by separate resolution of the city council.

14.04.070 California Mechanical Code

The 2013 Edition of the California Mechanical Code and appendices as published by the International Association of Plumbing and Mechanical Officials, incorporating by adoption of the 2012 Edition of the Uniform Mechanical Code with California Amendments is adopted by reference including Appendix Chapters A, B, C and D and is amended to read as follows:

Delete All Fee Schedules. Fee schedules shall be adopted by separate resolution of the city council.

14.04.080 California Plumbing Code

The 2013 Edition of the California Plumbing Code and appendices as published by the International Association of Plumbing and Mechanical Officials, incorporating by adoption of the 2012 Edition of the Uniform Plumbing Code with California Amendments is adopted by reference including Appendix Chapters A, B, D, I and K and is amended to read as follows:

Delete All Fee Schedules. Fee schedules shall be adopted by separate resolution of the city council.

14.04.090 2013 Edition of the California Energy Code

2013 Edition of the California Energy Code as published by the California Building Standards Commission and is adopted by reference.

14.04.100 The California Historical Building Code

2013 Edition, as published by the California Building Standards Commission.

14.04.110 The California Fire Code

Adoption of **California Code Of Regulations Title 24, Part 9:2013 The California Fire Code** and appendixes B, C and D 2012 Edition as published by the California Building Standards Commission, with the following amendments:

Chapter 1 ADMINISTRATION

Section 101.1 Shall be revised to read: These regulations shall be known as the *Fire Code of the City of Cotati*, hereinafter referred to as "this code"

Add New Section

Section 104.2.1 Application for Permit Fees: All applications for a permit required by this Code shall be made to the Bureau of Fire Prevention in such form and detail, as it shall prescribe.

Applications for permits shall be accompanied such plans as are required by the Bureau. The City Council may establish fees by resolution for permit applications.

Add New Section

Section 109.5 Citations. The Chief is authorized to issue a citation to persons operating or maintaining an occupancy, premise, or vehicle subject to this code, who allows a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises, or vehicle when ordered or notified to do so.

Chapter 2 DEFINITIONS

Section 202 Wherever the word "jurisdiction" is used in the 2010 California Fire Code and 2009 International Fire Code, it shall be understood to mean that the Rancho Adobe Fire District is the local fire authority having jurisdiction (AHJ).

Section 202 Where the party responsible for the enforcement of the 2010 California Fire Code and 2009 International Fire Code is given the title of "fire marshal," add the following definition:

FIRE MARSHAL is the chief of the bureau of fire prevention

Amend Chapter 3 General Precautions to read:

Section 307.1.2 is added to read Open Burning. Open burning within the City limits of Cotati, including incinerators of all types, is prohibited, except for agricultural burning permitted by the Bay Area Air Quality Management District.

EXCEPTION: Barbecues used for cooking purposes, provided the barbecues shall not be used for burning rubbish, paper, boxes, grass, brush or other combustible items, except charcoal, natural gas or other materials commonly used in barbecues for cooking purposes.

Section 304.1.2.1 is added to read:

304.1.2.1 Vegetation non developed parcel. Any parcel that is next to a developed parcel and is a threat to a structure shall be required to maintain a minimum 20 feet of clearance on the property line adjacent to the structure.

Exemptions: When approved by the Fire Code Official or if a hazard does not exist

Amend CHAPTER 5 FIRE SERVICE FEATURES to read as follows:

Section 505.1.1 is amended to read:

505.1.1 Size and Width.

- i. Commercial Buildings shall be 12" inches in height with 1" inch (24.5mm) stroke. Suite Numbers shall be six (6") inches in height and ½ inches (12.7mm) stroke.

- ii. Residential Buildings shall be 4" inches in height and 3/8 inches (9.525mm) stroke.
Exception: All sizes can be reduced with the approval of the fire code official.

Chapter 9 Fire Protection Systems

Section 902 is amended to add the following definitions

EMERGENCY is an occasion that reasonably calls for a response by the fire department. A response due to failure of an alarm system or to personnel error is not an emergency.

FALSE ALARM is an alarm signal necessitating response by the fire department when an emergency does not exist.

Section 903 is amended to read as follows:

903.2.3 Changes of Occupancy. Any change of occupancy when the proposed new occupancy classification is more hazardous based on life and fire risk, as determined by the Fire Code Official, including the conversion of residential buildings to condominiums, the building shall meet the requirements for a newly constructed building.

Subsections 903.2.4 through 903.2.13 are deleted.

903.3 Installation Requirements. Sprinkler systems shall be installed in accordance with NFPA 13, NFPA 13R if approved by the Fire Code Official and NFPA 13D.

Sections 903.3.1 is amended to read:

903.3.1 Design Criteria. Fire sprinkler systems installed in buildings of an undetermined use shall be designed and installed to have a design density of .33 gallons per minute per square foot over a minimum design area of 3000 square feet. Where a subsequent occupancy change requires a system with greater capacity, it shall be the building owner's responsibility to upgrade the system to the required density.

907.1.5 False Alarms.

a. **EMERGENCY** is an occasion that reasonably calls for a response by the fire department. A response due to failure of an alarm system or to personnel error is not an emergency.

b. **FALSE ALARM** is an alarm signal necessitating response by the fire department when an emergency does not exist.

907.1.6 is amended to read:

907.1.6 Notice of False Alarm. The chief shall determine whether an emergency exists at the time the fire department responds to an alarm signal from a fire alarm system. If the chief determines that an emergency does not exist, the chief shall issue a written notice of false alarm to the owner or person in charge or control of the facility where the alarm signal originated.

907.1.7 is amended to read:

907.1.7 Hearing on Notice. Any person receiving a notice of false alarm who contends that the chief erroneously determined that an emergency did not exist may file a written request with the chief for a hearing on the determination within ten (10) days after receipt of the notice of false alarm. The chief shall give the requesting party a hearing on the determination within thirty (30) days of receipt of the request. The request shall set forth: (1) why an emergency existed, or (2) why the false alarm resulted from an act of God, flooding, or other violent natural condition without fault and beyond the control of the requesting party. Within ten (10) days following the hearing, the chief shall give written notice of his or her decision to the requesting party.

907.1.8 is amended to read:

907.1.8 Unreliable Fire Alarm Systems. The chief may determine a fire alarm system to be unreliable upon receipt of more than two (2) false alarms within a twelve (12) month period. Upon finding that an alarm system is unreliable, the chief may order the following:

a. Upon the third (3rd) and fourth (4th) false alarms from the alarm system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$1500.00, plus the cost of fire engine response, as specified in the fire department's approved fee ordinance, for each occurrence.

b. 2. Upon the fifth (5th) and sixth (6th) false alarms from the alarm system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$3000.00, plus the cost of fire engine response, as specified in the fire department's approved fee ordinance for each occurrence.

c. 3. Upon the seventh (7th) and following false alarms from the alarm system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$5000.00, plus the cost of fire engine response, as specified in the fire department's approved fee ordinance, for each occurrence. The chief may, in addition, require the system owner to provide standby personnel as defined by Section 2501.18 or take such other measures, as the chief deems appropriate. Persons or activities required by the chief shall remain in place until a fire department approved fire alarm maintenance firm certifies in writing to the chief that the alarm system has been restored to a reliable condition. The chief may require such tests, as he deems necessary to demonstrate the adequacy of the system.

Section 903.2.20.4 is added to read:

903.2.20.4 Additions, Remodel, Alteration, or Repairs

1. Additions to existing commercial buildings that increase square footage by 25% or greater shall meet the requirements for a newly constructed building. All additions to commercial

buildings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.

2. Additions to existing residential buildings that increase the square footage by 50% or greater shall meet the requirements for a newly constructed building. All additions to residential buildings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.

a. For remodels, alterations or repairs to an existing building involving demolition, removal or repair of more than 50% of the structure (to include walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations or similar components), the building shall meet the requirements for a newly constructed building.

3. The percentage of work shall be determined and added to any successive remodels that may occur within a subsequent three (3) year period. If the combined percentage totals 50% or more, this work shall constitute a substantial improvement and the building shall be subject to the fire sprinkler requirement.

Exceptions:

Alterations or additions made solely for the purpose of complying with the Americans with Disabilities Act.

4. Any combination thereof to the structure where the improvements equals or exceeds fifty percent (50%) of the structure, the entire building shall meet the requirements for a newly constructed building.

Chapter 14 Fire Safety during Construction and Demolition

Section 1414.3 is amended to read:

1414.3 Large building sprinkler protections

Building in excess of three stories in height or having a first story in excess on 100,000 square feet in area shall provide an approved operating fire sprinkler system on each floor during construction prior to continuing construction on upper stories.

14.04.120 California Existing Building Code

California Code of Regulations Title 24 Part 10 California Existing Building Code 2013 Edition as published by the International Code Conference International Existing Building Code Appendix Chapter A1 and is adopted by reference.

14.04.130 California Green Building Standards Code

The 2013 Edition of the California Green Building Standards as published by the International Code Conference with the following amendments Appendix Chapters A4 Tier 1 and Appendix Chapter A5 Tier 1.

Amend Chapter 2 Definitions

Section 202 is amended to read:

Newly Constructed (or New Construction) A newly constructed building (or new construction) includes additions of over 500 square feet for residential construction or 1800 square feet for non-residential construction, alterations or repairs of 50 percent or greater to any existing building.

Amend Appendix A4 Residential Voluntary Measures to read as follows:

Division A4.6

A406.601.1 The Tier 1 measures contained in this appendix, Division A4.1, A4.3, A4.4, A4.5 and A4.6 are adopted as mandatory provisions

Amend Appendix Chapter A5 Nonresidential Voluntary Measures to read as follows:

Division A5

A506.601.1 The Tier 1 measures contained in this appendix, Division A5.1, A5.3, A5.4, A5.5 and A5.6 are adopted as mandatory provisions.

14.04.140 California Reference Standard Code

The 2013 Edition of the California Reference Standard Code published by the California Building Standard Commission is adopted by reference.

14.04.150 International Existing Building Code

The 2012 Edition of the International Existing Building Code as published by International Code Council is adopted by reference.

14.04.160 Enforcement of Fire Codes

The 2013 California Fire Code and 2012 International Fire Code as adopted and amended herein shall be enforced by the bureau of fire prevention, in the fire department of Rancho Adobe Fire District.

14.04.170 Non-Liability of City of Cotati

This Ordinance shall not be construed as imposing upon the City of Cotati (or any official or employee thereof) any liability or responsibility for damages to any property or injuries to any person resulting from defects in building construction, defective plumbing, or drainage systems (or installations thereof), electrical or gas installations, or by installations of containers for the use of flammable products, nor shall the City of Cotati (or any official or employee thereof) be liable or responsible for any property damage from any cause whatsoever including but not limited to that which may have been caused by a gas leakage, fire or explosion of any gas appliance or house gas piping, electrical application or electrical wiring or from the storage or use of flammable and/or hazardous materials (14.04.160).

Non-Liability of Rancho Adobe Fire District. This Ordinance shall not be construed as imposing upon the Rancho Adobe Fire District (or any official or employee thereof) any liability or responsibility for

damages to any property or injuries to any person resulting from defects in fire protection systems, or installation of containers for the use of flammable products, nor shall the Rancho Adobe Fire District (or any official or employee thereof) be liable or responsible for any property damage from any cause whatsoever including but not limited to that which may have been caused by a gas leakage, fire or explosion of any gas appliance or house gas piping, electrical application or electrical wiring or from the storage or use of flammable and/or hazardous materials.

14.04.180 Violations and Penalties

Any person violating any of the provisions of this Ordinance shall be deemed guilty of an infraction and any person violating the same section or a portion of an Ordinance on a second or subsequent occasion shall thereafter be deemed guilty of a misdemeanor and upon conviction of either an infraction or a misdemeanor shall be punishable by law. The imposition of one penalty for any violation shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

14.04.190 Repeal of Conflicting Ordinances

All other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

14.04.200 Fees

The City Council of the City of Cotati may establish permit fees as set forth by resolution.

Section 2: Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, sentence, clause, phrase or portion of this ordinance be declared unconstitutional on their face or as applied.

Section 3: Effective Date. This Ordinance shall become effective thirty days (30) days after its final passage and its provisions shall become applicable and be in full force and effect on January 1, 2014.

Section 4: Posting. The City clerk shall cause this ordinance to be published and/or posted within fifteen (15) days after its adoption in accordance with Section 36933 of the Government Code of the State of California.

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IT IS HEREBY CERTIFIED that the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Cotati on October 22, 2013 and regularly adopted at a regular meeting of the City Council of the City of Cotati held on the 12th day of November, 2013 by the following vote, to wit:

LANDMAN	<u>Yes</u>
DELL'OSSO	<u>Yes</u>
HARVEY	<u>Yes</u>
MOORE	<u>Yes</u>
SKILLMAN	<u>Yes</u>

Approved: 
Mark Landman, Mayor

Attest: 
Tamara Taylor, Deputy City Clerk

Approved as to form:


Robin Donoghue, City Attorney

This document is a true and correct copy of Ordinance
Number 843 and has been published or posted
pursuant to law. *California Government Code § 40806*


Tamara Taylor, CMC, Deputy City Clerk

ORDINANCE NO. 844

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI AMENDING
CHAPTER 14.34 EXCAVATIONS, GRADING AND FILLS OF THE COTATI
MUNICIPAL CODE TO AMEND APPENDIX J (GRADING) OF THE CALIFORNIA
CODE OF REGULATIONS TITLE 24, SECTION 14.04.040 TO ADDRESS LOCAL
CONDITIONS AND TO CLARIFY REQUIREMENTS**

WHEREAS, the State of California updates building and fire code regulations on a triennial schedule; and

WHEREAS, the State of California adopted new International Codes with state amendments on July 1, 2013; and

WHEREAS, local agencies have until January 1, 2014 to adopt the new state codes with any local amendments; and

WHEREAS, the City Council finds that in order to best protect the health, safety and welfare of the citizens of the City of Cotati, the standards of building within the City must conform with state law except where local conditions warrant more restrictive regulations; and

WHEREAS, the proposed amendments to this section are found to be necessary in order to better address local conditions and provide clarity in City regulations; and

WHEREAS, the City Council held a duly noticed public hearing on November 12, 2013, to consider public testimony regarding the adoption of amendments to Chapters 14.04 and 14.34, and the addition of Chapter 14.07 to the Municipal Code and found that the modifications would be consistent with the intent of the City of Cotati General Plan; and

WHEREAS, the ordinance amendment is hereby found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b) (3) in that the Council finds and determines that there is nothing in these amendments themselves that could foreseeably have any significant effect on the environment; and

WHEREAS, the City Council has reviewed all evidence submitted in connection with the staff report, including public testimony and all other documents and evidence that are part of the City administrative record for the 2013 adoption of the Uniform and International Codes together with the amendments thereto.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COTATI DOES
ORDAIN AS FOLLOWS:**

Section 1: Chapter 14.34, "Excavations, Grading and Fills," is amended in its entirety to read as follows:

Sections:

<u>14.34.010</u>	Purpose, scope and authority.
<u>14.34.015</u>	Findings
<u>14.34.020</u>	Definitions.
<u>14.34.030</u>	Permits required.
<u>14.34.040</u>	Application – Fees.
<u>14.34.050</u>	Application – Contents.
<u>14.34.060</u>	Issuance of permit – Prerequisites.
<u>14.34.070</u>	Bonds.
<u>14.34.080</u>	Permit duration and expiration.
<u>14.34.090</u>	Excavating, grading and filling – Regulations.
<u>14.34.100</u>	Inspection.
<u>14.34.110</u>	Completion of work.
<u>14.34.120</u>	Enforcement – Stop work order and revocation of permit.
<u>14.34.130</u>	Violation and penalties.
<u>14.34.140</u>	Appeal procedures.

14.34.010 Purpose, scope and authority.

A. Purpose. It is in the public interest, and it is necessary for the promotion and protection of the public safety, convenience, comfort, prosperity, general welfare and the city's natural resources, to establish minimum requirements for grading on public or private property in order to preserve and enhance the natural beauty of the land, streams and creek banks and; reduce or eliminate the hazards of earthslides, mud flows, rock falls, undue settlement, erosion, siltation and flooding.

B. Scope. This section sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedures for issuance of permits; and provides for approval of plans and inspection of grading activities. Any grading activity, whether or not a permit is required, is subject to erosion and sediment control regulations as provided for in Chapter 14.36 of this title.

C. Authority. For the purposes of this chapter, the building official shall have authority over permit applications, permit issuance, administrative procedures for fees, bonds and surety, and stop work orders; the planning director shall have authority over interpretation of land use, zoning and CEQA (California Environmental Quality Act) requirements; the city engineer shall have authority over approval of plans and interpretation of technical requirements; and the grading inspector shall have authority over on-site inspections. (Ord. 772 § 1(part), 2005).

14.34.015 Findings for Amendments to State Building Codes.

The City Council of the City of Cotati finds that in order to best protect the health, safety and welfare of its citizens, the standards of building within the City must conform to state law except

where local conditions warrant more restrictive regulations. Therefore, the City Council desires to adopt the current state building and fire codes, contained in California Building Standards Code Title 24, and other uniform codes governing the construction and regulation of buildings and structures with the modifications and amendments contained herein.

Pursuant to California Health and Safety Code section 17958.7, the City Council makes the factual findings hereto and incorporated herein by reference, and finds that the amendments made in this ordinance to the California Building Standards Code Title 24, are reasonably necessary because of the local climatic, geological or topographical conditions described in the following:

The City wishes to adopt by reference the following codes, with such amendments as may be necessary to conform to local climatic, geologic, and topographical conditions:

California Code of Regulations Title-24
14.04.040 Appendix Chapters, J (Grading)

Under the provisions of Section 17958.5 of the Health and Safety Code, local amendments must be based on climatic, geologic and topographical conditions. The following findings address each of these situations and present the local conditions which, either singularly or in combination, justify the amendments to be adopted:

- A. CLIMATE: The City, on average, experiences an approximate annual rainfall of 40 inches. This rainfall can normally be expected between October and April. During the winter months, the City may experience periods of heavy rain, which causes local flooding. Winter storms are often accompanied by high winds, which have uprooted trees and damaged power lines. The City has also experienced periods of heavy fog, which has delayed the responding fire apparatus and prevented early discovery of structure fires. During the dry period, temperatures range from 70 degrees to over 100 degrees. These temperatures are often accompanied by light to gusty winds, which when coupled with highly flammable vegetation, can cause uncontrollable fires. Wind driven fires could have severe consequences, as has been demonstrated on several occasions throughout the state.
- B. GEOLOGIC: The City is susceptible to seismic hazards resulting from movement along any one of several known faults in the area. The most serious direct earthquake hazard threat is from the damage or collapse of buildings and other structures due to ground movement. In addition to damage caused by earthquakes, there is the possibility of earthquake-induced fires due to damaged gas lines, power lines or heat producing appliances, and the unavailability of water for fire control due to broken water mains. In the event of a major earthquake many areas of the City may not be accessible to emergency equipment and, if bridges or roads are damaged, the City may be isolated from outside assistance.

- C. TOPOGRAPHICAL: The City is divided by Highway 101 which creates a barrier and can obstruct traffic patterns and increase response time for fire equipment. The City's water supply and sewer system were both designed to work with existing topography but can be adversely affected by loss of normal operation. Sewer lift stations and well equipment can both be compromised by interruption in electrical service.
- D. SUMMARY: The above local climatic, geologic and topographical conditions increase the magnitude, exposure, accessibility problems and fire hazards presented to the City of Cotati. A fire following an earthquake has the potential to cause greater loss of life and damage than the earthquake itself. The majority of the City's industrial areas are located in the highest seismic risk zones, which also contain the largest concentration of hazardous materials. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number of persons, should a significant seismic event occur. The City of Cotati's resources would have to be prioritized to mitigate the greatest threat, and may be unavailable for vegetation or structure fires.

Other variables that may tend to intensify the situation include:

1. The extent of damage to the water system;
 2. The extent of isolation due to bridge and/or freeway overpass collapse;
 3. The extent of roadway damage and/or amount of debris blocking roadways;
 4. Climatic conditions (hot, dry weather with high winds);
 5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours; and,
 6. The availability of timely mutual aid or assistance from the neighboring departments which will likely have similar emergencies at the same time.
 7. A large number of dwelling units with wood shingle roof coverings, which increase the likelihood of conflagrations.
- E. CONCLUSION: Local climatic, geologic and topographical conditions impact fire suppression efforts and the frequency, spread, intensity, and the size of fire involving structures in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. Therefore, it is found to be necessary that the California Building Standard Code Title 24 be amended to mitigate the effects of these conditions.

14.34.020 Definitions.

For the purposes of this chapter, the following terms shall be defined as follows:

"As-graded" means the actual surface conditions present on completion of grading.

"Bench" means a relatively level step excavated into earth material on which fill is to be placed.

"Borrow" means earth material acquired from an off-site location for use in grading on a site.

“Certified erosion control inspector” means a Qualified SWPPP Practitioner (QSP).

“Certified erosion control specialist” means a Qualified SWPPP Developer (QSD).

“Certification” means a written engineering geologist’s opinion concerning the progress and completion of the work.

“Civil engineer” means a professional civil engineer registered in and by the state of California to practice in the field of civil engineering.

“Compaction” means the densification of an earth material by mechanical means.

“Contour rounding” means the rounding of cut and fill slopes in the horizontal plane to blend with existing contours or to provide horizontal variation, to eliminate the artificial appearance of slopes.

“Drip line” means a line extending around a tree directly underneath the outermost branches of the tree.

“Earth material” means any rock, natural soil or fill and/or any combination thereof.

“Engineered grading” means grading in excess of 500 cubic yards (382 cubic meters), and/or grading performed as part of a subdivision, and/or grading performed within two (2) feet of a property line shall be performed in accordance with the approved grading plan prepared by a civil engineer.

“Erosion” means the wearing away of the ground surface as a result of the movement of wind, water, and/or ice.

“Excavation” means the mechanical removal of earth material.

“Fill” means a deposit of earth material placed by artificial means.

“Geotechnical engineer” means a professional certified engineering geologist or geotechnical engineer registered in and by the state of California to practice in the field of engineering geology or geotechnical engineering.

“Grade” means the vertical location of the ground surface. “Existing grade” is the grade prior to grading; “rough grade” is the stage at which the grade approximately conforms to the approved plan; and “finish grade” is the final grade of the site which conforms to the approved plan.

“Grading” means any excavating or filling or combination thereof.

“Grading inspector” means the city representative that is conducting the inspection of the on-site grading activities, as designated by the city engineer.

“Large-scale project” means a grading project that affects fifty acres or more and/or two hundred lots or more.

“Permittee” means the person who is issued the permit. The permittee may also be the applicant but under all circumstances must either be the owner or an authorized representative of the owner of the property where the grading is being done.

“Regular grading” means grading involving less than 500 cubic yards and not meeting either of the two conditions listed in “engineered grading” above. Unless the permittee chooses to have the grading performed as engineered grading, or if the city engineer determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

“Terrace” means a relatively level step constructed in the face of a graded slope surface. (Ord. 772 § 1(part), 2005).

14.34.030 Permits required.

No person shall do any grading without first having obtained a grading permit from the building official except for the following:

A. An excavation below finished grade for basements and footings of a building, retaining wall, swimming pool, or other structures authorized by a valid building permit. This subsection shall not exempt from permit requirements any excavation having an unsupported height greater than five feet after the completion of such structure;

B. Cemetery graves;

C. Refuse disposal sites controlled by other regulations;

D. Excavations for wells or underground storage tanks no greater than ten thousand gallons in size when work is being done under the authority of a valid county well permit and/or city building permit;

E. Excavation for utilities when performed by a public utility;

F. Stockpiling of dirt, rock, sand, gravel, aggregate or clay of fifty cubic yards or less for a period of ten days or less;

G. Exploratory excavations of fifty cubic yards or less under the direction of a soil engineer or engineering geologist;

H. An excavation of fifty cubic yards or less which is less than two feet in depth, at any one given point, or; does not create a cut slope greater than four feet in height and steeper than two horizontal to one vertical;

I. A fill of fifty cubic yards or less which is less than two feet in depth and placed on a slope, flatter than five horizontal to one vertical, not intended to support structures, on a single lot or parcel, and does not obstruct a drainage course or alter the drainage of neighboring properties;

J. Work conducted in any city street, public right-of-way, or easement when the work is being done under the authority of a valid encroachment permit issued by the city engineer. (Ord. 772 § 1(part), 2005).

14.34.040 Application – Fees.

A. Plan-Check Fees. Before accepting a set of plans and specifications for checking, the building official shall collect a plan-check fee. The council shall, by resolution, establish plan-check fees. The council may, from time to time, amend such fees by resolution.

B. Grading Permit Fees. Before issuing a grading permit, the building official shall collect a grading permit fee. The council shall, by resolution, establish grading permit fees, based upon the volume of the excavation or fill, whichever is greater. The council may, from time to time, amend such fees by resolution. The grading permit fee includes a grading inspection fee.

C. Additional Work. The fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for the original permit and the fee for the entire project. (Ord. 772 § 1(part), 2005).

14.34.050 Application – Contents.

A. Regular Grading Permit. Applications shall be accompanied by plans twenty-four inches by thirty-six inches in size prepared at a scale of one inch equals forty feet or other scale acceptable to the city engineer. Unless waived by the city engineer, the plans shall be prepared by a licensed civil engineer. For grading that is not part of a subdivision, the city engineer, at his/her sole discretion, may allow waivers or deviations from the requirements specified in this section, depending on the site-specific conditions. The plans shall include the following:

1. Title page shall identify owner's name, owner's mailing address, owner's phone number, site address, assessor's parcel number, planning application number (if any), cubic yards of cut and cubic yards of fill;
2. A vicinity sketch showing roads, adjoining subdivisions and other data to adequately indicate the site location and show its relation to the community;
3. Property lines of the property on which the work is to be performed. The widths, location and identity of all existing easements;

4. Location of any buildings, structures, drainage devices or public improvements within fifty feet of the proposed grading work;
5. Date, north arrow, scale and accurate contours showing the topography of the existing ground of the proposed site and at least fifty feet beyond its boundary. Indicate source and date of existing contours;
6. Elevations, dimensions, location, extent and slopes of all proposed grading shown by contours and/or other means. Contours shall be shown at intervals of not greater than one foot with spot elevations on new drainage features, curb, and gutter flow lines with sufficient detail to clearly indicate drainage grades and directions;
7. Details of all surface and subsurface drainage devices, walls or other protective devices to be constructed in connection with, or as part of, the proposed work;
8. A certificate stating the amount and location of any material to be imported from or exported to areas other than that shown on the plans;
9. Type, circumference and drip line of existing trees with a trunk diameter of six inches or more, measured twenty-four inches above existing grade. Any trees or vegetation proposed to be removed shall be so indicated;
10. Schedule of work and haul route(s);
11. Erosion control plan and other storm water regulations as provided for in Chapters 13.68 and 14.36. Erosion and sediment control plans are required for any grading operation performed between October 1st and April 15th and in any instance when any portion of the site contains a hillside with a slope of 10% or greater;
12. Water efficient landscaping, in accordance the regulations provided for in Chapter 17.34;
13. Current title report (less than 6 months old), with any exceptions to title graphically depicted on a figure of the property;
14. All required elements to comply with the City's NPDES Municipal Storm Water Permit, including all post construction storm water requirements;
15. Geotechnical report, prepared by a Geotechnical Engineer, including data regarding the nature, distribution and strength of existing soils, conclusions, and recommendations for grading procedures and design criteria; including all recommendations construction monitoring;
16. Certification on the plans that the improvements conform to the geotechnical recommendations and a note that the recommended construction oversight and testing will be provided;

17. Detail of any existing and new utilities, including location, size, material and trench sections;

18. Detail on engineered materials incorporated into the project, including final structural sections, and materials.

B. Engineered Grading Permit. In accordance with the definition, or when directed by the city engineer as he/she deems necessary due to site conditions, including but not limited to steepness of slopes, drainage concerns, etc., shall be designated as "engineered grading." In addition to meeting the requirements under subsection A of this section, the application for engineered grading shall also contain the following:

1. A map prepared by a civil engineer showing the location of all areas subject to storm water runoff to and from the site and adjacent areas. A complete hydraulic analysis including the location, width, direction and quantity of flow of each watercourse shall accompany the map;

2. A letter from a soils engineer or engineering geologist verifying that he/she has been employed by the applicant and agrees to provide inspection, furnish as-built grading plans and submit final approval statement in accordance with this chapter;

3. The erosion control plan, as described in the city's erosion control ordinance, shall be submitted to the city engineer and shall include the placement of storm water pollution prevention controls that prevent erosion during construction. Erosion control plans for large-scale projects or when directed by the city engineer shall be prepared by a certified erosion control specialist. (Ord. 794 § 1, 2007; Ord. 772 § 1(part), 2005).

14.34.060 Issuance of permit – Prerequisites.

A. No permit shall be issued by the building official until all of the required data has been submitted for the application, the city engineer and the planning director have approved the plans and other related documents, and all required fees have been paid.

B. No permit shall be issued prior to the approval of any land use entitlement requirements such as, but not limited to, zoning permits, tentative map and/or building or site plan review. An environmental assessment shall be performed in accordance with the requirements of CEQA (California Environmental Quality Act), as determined necessary by the planning director. Conditions may be imposed by the city to minimize or mitigate any environmental impacts of the proposed work.

C. In the case of subdivisions, the grading permit may be issued by the building official, after having grading plans signed by the city engineer and planning director and receiving all required grading bonds, grading permit fees, subdivision improvement agreement and deeds (if applicable), and after approval of the tentative map by the city council. (Ord. 772 § 1(part), 2005).

14.34.070 Bonds.

A. Posting Required. A permit shall not be issued unless the permittee shall first post with the building official a bond executed by the permittee and a corporate surety authorized to do business in the state as a surety in an amount sufficient to cover the cost of the corrective work necessary to clean up and remove all debris, to eliminate all hazards or to return the land to its natural condition as much as possible should the project be abandoned. This amount shall be based upon an engineer's cost estimate furnished by the applicant and approved by the city engineer. The engineer's cost estimate of the grading work, including installation of erosion control measures is acceptable as the bond amount, provided such estimate is approved by the city engineer. In lieu of a surety bond, the city may accept a cash bond, certificate of deposit, or letter or instrument of credit in an amount equal to that which would be required in the surety bond. Every bond or other surety shall:

1. Comply with all of the provisions of the applicable laws, ordinances and requirements of the city attorney;
2. Comply with all terms and conditions of the grading permit to the satisfaction of the city engineer; and
3. Include conditions that the permittee shall complete all of the work under the permit within the time limit specified in the permit. The building official may, for sufficient cause, extend the time specified in the permit, but no such extension shall release the surety.

B. Term. The term of each bond shall begin upon the date of issuance of the grading permit and shall remain in effect until released by the building official upon acceptance of completed grading improvements.

C. Failure to Complete Work. In the event of failure to complete the work and failure to comply with all of the conditions and terms of the permit, the building official may order the work required by the permit to be completed to his/her satisfaction. The surety executing such bond or deposit shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the governing agency in causing any and all such required work to be done. If the work is not completed within the time period specified in Section 14.34.080 of this chapter, the permittee shall be deemed to have abandoned the project, and the building official may, in his/her discretion, order the land to be returned, as much as possible to its natural condition, and the surety shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the governing agency in causing such restoration work to be done. In the case of cash deposit, such deposit, or any unused portion thereof, shall be refunded to the permittee in whatever amount that is not necessary to complete the work described. (Ord. 772 § 1(part), 2005).

14.34.080 Permit duration and expiration.

If the work authorized by any permit under this chapter is not commenced within six months of the date of issuance, or as otherwise indicated on the permit, or if the work is not completed within one year of the date of issuance, or sooner if indicated on the permit, the permit shall expire and become null and void. (Ord. 772 § 1(part), 2005).

14.34.090 Excavating, grading and filling – Regulations.

A. The following regulations shall apply to all excavating, grading and filling activities:

1. One copy of the approved plans and approved revisions thereof of the storm water pollution prevention plan, and grading permit shall be kept on the site at all times during the progress of the grading and shall be made available by the applicant during inspections.
2. All grading and noise therefrom, including but not limited to, warming of equipment motors, shall be limited to the hours stated in Chapter 14.30 (Construction Hours Limited) of this code.
3. All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected, covered or contained in such a manner as to prevent any nuisance from dust, sediment site runoff, or spillage onto adjoining property or streets. Best management practices in accordance with Chapter 14.36 (Erosion and Sediment Control) of this title shall be incorporated in the grading activities.
4. No grading shall be conducted so as to encroach upon or alter the established gradient and riparian habitat of natural drainage courses except when a valid permit and other necessary approvals are obtained from the appropriate state and federal authorities and the necessary environmental review and approvals are received from the planning director.
5. Whenever any portion of the work requires entry onto adjacent property for any reason, the permittee or applicant shall obtain a right of entry from the adjacent property owner in a form acceptable to the city attorney.
6. Except for pier-type foundations or other special foundation design, setback from property lines shall be not less than as required by Appendix Chapter 33 Section 3314 of the California Building Code.
7. The permittee and the grading contractor shall be responsible for the protection of adjacent properties during grading operations. Prior to commencing any grading of the site, the exterior boundaries shall be marked by the applicant as required by the public works inspector. Boundary markers shall be maintained throughout the grading operation. Temporary barriers and/or protective fencing shall be used when necessary to protect adjacent properties.
8. Soil stabilization is required for all graded areas. Slopes, both cut and fill, shall be provided with subsurface drainage as determined by the soils engineer, for stability.

9. Slopes, both cut and fill, shall not be steeper than two horizontal to one vertical, unless special circumstances applicable to the property, including size, shape, topography, location or surroundings would cause the strict application of the standard to deprive such property of reasonable use. If these conditions are met, a thorough geological and engineering analysis shall verify that steeper slopes are safe and appropriate erosion control measures are specified.

10. Terraces at least six feet in width shall be established at not more than thirty-foot vertical intervals, subject to maximum height limitations, to control surface drainage and debris on cut or fill slopes. Suitable access shall be provided to permit proper cleaning and maintenance of a terrace.

11. All drainage facilities shall be designed to carry waters to the nearest practical drainageway approved by the city and/or the Sonoma County water agency and/or other appropriate jurisdiction as a safe place to deposit such waters. If drainage facilities discharge on natural ground, riprap and/or energy dissipators shall be constructed by the permittee.

12. All building sites shall be graded and sloped away from the building foundation with a minimum slope of two percent for a distance of ten feet on all sides of every building except where yard requirements are less than twenty feet, in which case the soil shall be graded away from the foundation to a minimum of two-tenths of a foot in elevation at a distance not less than one-half the required yard width; or if the lot size and site conditions are such that this requirement cannot be met, the city engineer may allow a minimum slope of two percent away from the building for a distance of four feet. Lot surface drainage shall be directed toward approved drainage facilities at a minimum gradient of one-half percent and shall not cross property lines without the appropriate drainage facilities and/or easement.

13. No grading shall occur within the drip line of any tree to be retained on the site.

B. Unless otherwise recommended in the approved soils report, fills shall conform to the following provisions:

1. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, then scarifying surface to provide a bond with new fill.

2. Fill on slopes steeper than 5 horizontal to one vertical and in excess of five feet above natural grade shall require benching into sound bedrock or other competent material as determined by the soils engineer. Benches shall be a minimum width of ten feet.

3. When fill is placed over a cut, the bench under the top of fill shall be at least ten feet wide. The cut shall be made before placement of the fill and upon acceptance by the soils engineer or engineering geologist that the cut is a suitable foundation for fill.

4. Organic material shall not be permitted in fills. No rocks or similar irreducible material with a minimum dimension greater than twelve inches shall be buried or placed in fills. The city

engineer may permit placement of larger rock only upon review and approval of a method of placement prepared by a soils engineer and under his/her direction. The following conditions shall also apply:

- a. Rock disposal areas shall be delineated on grading plan.
- b. Rock sizes greater than twelve inches in maximum dimension shall be ten feet or more below finished grade, measured vertically.
- c. Rocks shall be placed so as to assure filling of all voids with fine earth material.

5. All fills shall be compacted to a minimum ninety percent of maximum density as determined in accordance with the requirements of the city engineer. In place density shall be determined in accordance with the requirements of the city engineer. (Ord. 772 § 1(part), 2005).

14.34.100 Inspection.

A. General. All grading operations for which a permit is required shall be subject to inspection by the grading inspector. Special inspection of grading operations and special testing shall also be performed in accordance with the provisions of subsection C of this section. The permittee shall notify the grading inspector at least forty-eight hours prior to the start of construction.

B. Engineered Grading Designation. The city engineer may have cause to believe that hydraulic, geologic or other factors require engineered grading for grading that is less than the amounts defined for engineered grading in Section 14.34.040(B) of this chapter and shall, at his/her sole discretion, so designate the grading work as engineered grading.

C. Engineered Grading Requirements.

1. For engineered grading it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the geotechnical reports into the grading plan. He/she shall also be responsible for the professional inspection and approval of the grading within his/her area of technical specialty. The civil engineer shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor, the city engineer, and the grading inspector. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-built grading plans upon completion of the work.

2. Geotechnical reports shall be required in accordance with Section 14.34.050 of this chapter. During grading, all necessary reports, compaction data and geotechnical recommendations shall be submitted to the civil engineer and the public works inspector by the Geotechnical Engineer.

3. The Geotechnical Engineer's area of responsibility shall include, but need not be limited to, the need for subdrains or other groundwater drainage devices professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction,

stability of all finish slopes and the design of buttress fills, where required, incorporating data supplied by the engineering geologist.

4. The grading inspector shall inspect the project at the various stages of the work requiring approvals and at more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

E. Notification of Noncompliance. If, in the course of fulfilling their responsibility under this section, the civil engineer, the Geotechnical Engineer or the testing agency finds that the work is not being done in conformance with this section or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and the grading inspector. Recommendations for corrective measures, if necessary, shall be submitted.

F. Transfer of Responsibility. If the civil engineer, the Geotechnical Engineer, or the testing agency of record is changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of their technical competence for approval upon completion of the work. (Ord. 772 § 1(part), 2005).

14.34.110 Completion of work.

A. Final Reports. Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto shall be required:

1. As-built grading plan, including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities;
2. The grading contractor shall submit a statement that his work was in conformance to such as-built grading plan.
3. The Geotechnical Engineer shall submit a statement certifying that, to the best of his/her knowledge, the work within his/her area of responsibility is in accordance with the approved soil engineering report.
4. The civil engineer shall submit a statement certifying that, to the best of his/her knowledge, the work within his/her area of responsibility was done in accordance with the approved grading plan.
5. A final geotechnical report prepared by the geotechnical engineer including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading, any new information disclosed during the grading and the effect of that geology on recommendations incorporated in the approved grading plan, and their effect on the recommendations made in the geotechnical engineering investigation report.

14.34.120 Enforcement – Stop work order and revocation of permit.

In the event that any person doing work related to the approved plans pursuant to this chapter violates the terms or conditions of the approved plans or performs the work in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or the site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the building official may order the construction stopped by notice in writing, or may suspend or revoke the grading permit. (Ord. 772 § 1(part), 2005).

14.34.130 Violation and penalties.

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill or cause the same to be done, contrary to, or in violation of, any terms of this chapter. Any person violating any of the provisions of this chapter is guilty of a misdemeanor and each day during which any violation of any of the provisions of this chapter is committed, continued, or permitted, shall constitute a separate offense. In addition, any person, partnership, or corporation convicted of violating any of the provisions of this chapter shall be required to bear the expense of any required restoration. (Ord. 772 § 1(part), 2005).

14.34.140 Appeal procedures.

Any person under this chapter who may be dissatisfied with the action of the city engineer, planning director, grading inspector or the building official on the application or permit may, within five days after such action is taken, file an appeal with the city manager by giving written notice of such appeal to the city clerk. A stop work order shall be effective upon issuance, and shall continue in effect during the pendency of any appeal. The appeal shall state the name and address of the appellant, the nature of the determination being appealed, the reason the appellant believes the determination is incorrect, and what the correct determination of the appeal should be. Failure to file such a statement within the time or in the manner required waives the appellant's objections, and the appeal shall be dismissed. Unless the appellant and city agree to a longer time period, the appeal shall be heard by the city manager within thirty days of receipt of the notice of appeal. At least ten days prior to the hearing, the city shall mail notice of the time and place of the hearing to the appellant. The city manager shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence deemed appropriate. The appellant may present testimony and oral argument at the hearing either personally or by counsel. The City Manager shall issue a written decision within ten days of the date of the hearing. The decision of the City Manager is final. (Ord. 772 § 1(part), 2005).

Section 2: Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the

fact that any one or more sections, subsections, sentence, clause, phrase or portion of this ordinance be declared unconstitutional on their face or as applied.

Section 3: Effective Date. This Ordinance shall become effective and be in full force and effect thirty days (30) days after its final passage.

Section 4: Posting. The City clerk shall cause this ordinance to be published and/or posted within fifteen (15) days after its adoption in accordance with Section 36933 of the Government Code of the State of California.

IT IS HEREBY CERTIFIED that the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Cotati on the 22nd day of October and legally adopted at a regular meeting of the City Council of the City of Cotati held on the 12th day of November, 2013 by the following vote, to wit:

LANDMAN	<u>Yes</u>
DELL'OSSO	<u>Yes</u>
HARVEY	<u>Yes</u>
MOORE	<u>Yes</u>
SKILLMAN	<u>Yes</u>

Approved: _____


Mark Landman, Mayor

Attest: _____


Tamara Taylor, Deputy City Clerk


Approved as to form:



Robin Donoghue, City Attorney

This document is a true and correct copy of Ordinance
Number 843 and has been published or posted pursuant to

law. California Government Code § 40806



Tamara Taylor, CMC, Deputy City Clerk

ORDINANCE NO. 845

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI
ADDING CHAPTER 14.07 SAFETY ASSESSMENT PLACARDS TO THE
COTATI MUNICIPAL CODE**

WHEREAS, the City Council finds that in order to best protect the health, safety and welfare of the citizens of the City of Cotati, it is necessary to adopt an ordinance specifying the content and procedures for use of safety assessment placards; and

WHEREAS, the City Council held a duly noticed public hearing on November 12, 2013 to consider public testimony regarding the adoption of Chapter 14.07 Safety Assessment Placards as an addition to the City Municipal Code, and found that the addition would be consistent with the intent of the City of Cotati General Plan; and

WHEREAS, this ordinance is hereby found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b) (3) in that the Council finds and determines that there is nothing in these amendments themselves that could foreseeably have any significant effect on the environment; and

WHEREAS, the City Council has reviewed all evidence submitted in connection with the staff report, including public testimony and all other documents and evidence that are part of the City administrative record for the adoption of Municipal Code Chapter 14.07.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COTATI DOES
ORDAIN AS FOLLOWS:**

Section 1: Chapter 14.07, "Safety Assessment Placards," of the City of Cotati Municipal Code is added to read as follows:

Sections:

- 14.07.010 Intent.
- 14.07.020 Application of provisions.
- 14.07.030 Definitions.
- 15.07.040 Placards.

14.07.010 Intent.

This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy and conforms to the statewide program administered by the California Office of Emergency Services (hereafter CalOES) for ease in the rapid assessment of damaged structures. This chapter further authorizes the building official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

14.07.020 Application of provisions.

The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the City of Cotati.

14.07.030 Definitions.

- (a) "Safety assessment" is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.
- (b) "Safety assessment program (SAP)" is a statewide voluntary program managed by the CalOES and the Federal Emergency Management Agency, which establishes the protocol for a uniform placarding program that can be used anywhere in the United States using the ATC-20 system.

14.07.040 Placards.

- (a) The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures.
 - (1) "INSPECTED – Lawful Occupancy Permitted" is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean there is no damage to the building or structure. This placard is printed on a green background.
 - (2) "RESTRICTED USE" is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restriction on continued occupancy. This placard is printed on a yellow background.
 - (3) "UNSAFE – Do Not Enter or Occupy" is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the building official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered. This placard is printed on a red background.
- (b) The number of the ordinance codified in this chapter, the name and address of the jurisdiction and phone number shall be permanently affixed to each placard.
- (c) Once it has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the building official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

Section 2: Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, sentence, clause, phrase or portion of this ordinance be declared unconstitutional on their face or as applied.

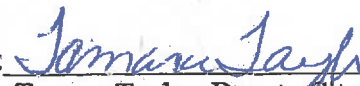
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LANDMAN	<u>Yes</u>
DELL'OSSO	<u>Yes</u>
HARVEY	<u>Yes</u>
MOORE	<u>Yes</u>
SKILLMAN	<u>Yes</u>

Approved: 
Mark Landman, Mayor

Attest: 
Tamara Taylor, Deputy City Clerk

Approved as to form:


Robin Donoghue, City Attorney

This document is a true and correct copy of Ordinance Number 843 and has been published or posted pursuant to law. California Government Code § 40806


Tamara Taylor, CMC, Deputy City Clerk